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2
3 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
4 **OF THE STATE OF WASHINGTON**

5 In the Matter of Enforcement Action Against:
6 Mac Setter,
7 Respondent
8

PDC CASE NO. 06-297
FINAL ORDER

9 This matter came for hearing before the Washington State Public Disclosure
10 Commission on May 31, 2006 at the PDC offices in the Evergreen Plaza Building, Room
11 206, 711 Capitol Way South, Olympia, Washington. Those present included Commission
12 members Earl Tilly, Chair; Jane Noland, Vice-Chair, Bill Brumsickle, Secretary, Mike
13 Connelly and Ken Schellberg. Also present were PDC Executive Director Vicki Rippie;
14 Phil Stutzman, PDC Director of Compliance; Senior Counsel Nancy Krier for the
15 Commission; and the Respondent, Mac Setter. The proceedings were open to the public
16 and were recorded.

17 This matter involved allegations that the Respondent, a candidate for Superior Court
18 Judge in Whatcom County in 2004, violated state statutes by failing to timely file reports of
19 contributions received, and by failing to timely file summary reports of contributions and
20 expenditures.

21 PDC Staff submitted to the Commission the Notice of Administrative Charges dated
22 May 16, 2006 and the Report of Investigation dated May 16, 2006 (with exhibits). PDC
23 staff also submitted a chart summarizing penalties assessed in comparable cases. The
24 parties submitted to the Commission a Stipulation as to Facts, Violations and Penalty
25 (Stipulation) dated May 30, 2006. The parties also made oral presentations to the
26 Commission.

1 Following consideration of the written and oral submissions, the Commission voted
2 5-0 to accept the Stipulation as amended at the request of Mr. Setter and with the agreement
3 of the parties to remove paragraph nine from the proposed Stipulation.

4 **I. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

5 Based upon the Stipulation as modified and accepted by the Commission, which is
6 hereby incorporated by reference, the Commission finds:

7 The Respondent committed multiple violations of RCW 42.17.080 and RCW
8 42.17.090 during 2004 by failing to timely file C-3 reports of contributions received, and by
9 failing to timely file C-4 summary reports of contributions and expenditures as provided in
10 the Stipulation.

11 **II. ORDER**

12 Based upon the findings and conclusions, the Commission orders that:

- 13 1. The Stipulation as amended is accepted;
- 14 2. The Respondent is assessed a civil penalty of \$2,500;
- 15 3. \$500 of the assessed penalty will be suspended on the condition that the
16 Respondent commits no further violations of RCW 42.17 for four years from the date of the
17 Commission's final order.
- 18 4. The Respondent agrees to pay \$1,000 of the non-suspended portion of the
19 penalty within 30 days of the date of the Commission's final order in this matter, and to pay
20 the remaining non-suspended portion of the penalty (\$1,000) within 60 days from the date
21 of the Commission's final order.

22 **III. APPEALS**

23 **RECONSIDERATION OF FINAL ORDER - COMMISSION**

24 Any party may ask the Commission to reconsider this final order. Parties must
25 place their requests for reconsideration in writing, include the specific grounds or reasons
26

1 for the request, and deliver the request to the Public Disclosure Commission Office within
2 **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order
3 upon the party. WAC 390-37-150. Service by the Commission on a party is accomplished
4 on the date of mailing by U.S. mail if the order is mailed, or the date of personal service if
5 personal service is made. RCW 34.05.010(19). The Commission orders are generally
6 mailed via U.S. mail.
7

8 Pursuant to WAC 390-37-150, the Public Disclosure Commission is deemed to have
9 denied the petition for reconsideration if, within twenty (20) business days from the date the
10 petition is filed, the Commission does not either dispose of the petition or serve the parties
11 with written notice specifying the date by which it will act on the petition. Pursuant to
12 RCW 34.05.470(5), the Respondent is not required to ask the Public Disclosure
13 Commission to reconsider the final order before seeking judicial review by a superior court.
14

15 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

16 Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure
17 Commission is subject to judicial review under the Administrative Procedures Act, chapter
18 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW
19 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston
20 County or the petitioner's county of residence or principal place of business. The petition
21 for judicial review must be served on the Public Disclosure Commission and any other
22 parties within **30 days** of the date that the Public Disclosure Commission serves this final
23 order on the parties. RCW 34.05.542 (4) provides: "Service of the petition on the agency
24 shall be by delivery of a copy of the petition to the office of the director, or other chief
25 administrative officer or chairperson of the agency, at the principal office of the agency.
26

1 Service of a copy by mail upon the other parties of record and the office of the attorney
2 general shall be deemed complete upon deposit in the United States mail, as evidenced by
3 the postmark.”

4
5 If reconsideration is properly sought, the petition for judicial review must be served
6 on the Public Disclosure Commission and any other parties within thirty (30) days after the
7 Commission acts on the petition for reconsideration.

8 **ENFORCEMENT OF FINAL ORDERS**

9 The Commission will seek to enforce this final order in superior court under RCW
10 42.17.395-.397, and recover legal costs and attorney’s fees, if the penalty remains unpaid
11 and no petition for judicial review has been filed under chapter 34.05 RCW. This action
12 will be taken without further order by the Commission.

13
14 The Executive Director is authorized to enter this order on behalf of the Commission.

15 DATED THIS 14th day of June, 2006.

16 FOR THE COMMISSION:

17 
18 _____

18 VICKI RIPPIE, Executive Director

19 *Attachment:* Stipulation as to Facts, Violations and Penalty as Amended by the Parties,
20 dated June 13, 2006

21 *Date of mailing:*

22 6/14/06
23 _____

24 *Copy mailed to:*

25 Mac Setter, Respondent

26 Nancy Krier, Senior Counsel, Attorney General’s Office